

HOUSE BILL 978

By Shipley

AN ACT to amend Tennessee Code Annotated, Title 49
and Title 56, relative to child safety during
recreational activity and events.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 1, Part 2, is amended by
adding the following as a new section:

49-1-225.

(a) For purposes of this section:

(1) "Appropriate health-care professional" means a medical doctor
or osteopathic physician;

(2) "Practice session" means a group or individual athletic
practice, training event, lesson, class, or activity; and

(3) "Return to play form" means a form adopted by an LEA that
must be completed and signed by an appropriate health-care professional
verifying that a student identified as at risk for a concussion may safely
participate in a game or practice session.

(b) The department shall develop an athletic concussion policy for
adoption by each LEA to identify students at risk for concussions during the
course of athletic activities, including, but not limited to, sports teams,
intramurals, and physical education programs. Any athletic concussion policy
adopted by the department shall include a provision that provides as follows:

Any participant who exhibits signs, symptoms, or behaviors consistent
with a concussion (such as loss of consciousness, headache, dizziness,

confusion, or balance problems) shall be immediately removed from the game or practice session and shall not return to play until cleared by an appropriate health-care professional.

(c) The department shall ensure that each LEA adopts the athletic concussion policy and procedures by which to effectuate the policy, including, but not limited to, the requirement that a student identified as at risk for a concussion present a completed and signed return to play form to the school prior to being allowed to recommence participation in a game or practice session. Each LEA may post a copy of the return to play form on a publicly accessible portion of its web site.

(d) Each LEA shall require that prior to commencing or hosting the first athletic practice session or game, each school:

(1) Notify the parent or legal guardian of any student participant of an athletic activity, sport, or physical education program that the student's participation in an athletic program may subject the student to a head injury, including, but not limited to, a concussion, and that the school's respective LEA maintains an athletic concussion policy and procedures by which to effect that policy;

(2) Promulgate the athletic concussion policy and procedures to the parent or legal guardian of any individual participant of an athletic activity, sport, or physical education program; and

(3) Obtain the signature of the parent or legal guardian of any student of an athletic activity, sport, or physical education program verifying that the parent or legal guardian received notice of the athletic concussion policy.

(e) All signatures obtained under subsection (c) and any return to play forms submitted in compliance with subdivision (d)(3) shall be kept on file with an administrator at the school.

(f) Nothing in this section shall be construed so as to require the department, an LEA, or a school to finance the cost of a medical evaluation for a student identified as being at risk for a concussion; provided however, the medical evaluation is a pre-requisite for such a student's return to the athletic game or practice session.

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, is amended by adding the following as a new, appropriately designated section:

(a) For purposes of this section:

(1) "Appropriate health-care professional" means a medical doctor or osteopathic physician;

(2) "Practice session" means a group or individual athletic practice, training event, lesson, class, or activity; and

(3) "Return to play form" means a form adopted by an LEA that must be completed and signed by an appropriate health-care professional verifying that a student identified as at risk for a concussion may safely participate in a game or practice session.

(b) Notwithstanding any other law to the contrary, any insurance policy issued to a school, or to an organization, association, or group accredited to provide or coordinate youth recreational activities for individuals under eighteen (18) years of age, shall require that the school, organization, association, or group adopt:

(1) An athletic concussion policy that includes a provision that provides:

Any participant who exhibits signs, symptoms, or behaviors consistent with a concussion (such as loss of consciousness, headache, dizziness, confusion, or balance problems) shall be immediately removed from the game or practice session and shall not return to play until cleared by an appropriate health-care professional;

(2) Procedures by which to effectuate the athletic concussion policy, including but not limited to, the requirement that a participant identified as at risk for a concussion present a return to play form to the school, organization, association, or group prior to being allowed to recommence participation in a game or practice session; and

(3) A return to play form in compliance with the form promulgated by the United States centers for disease control and prevention or the Tennessee Secondary School Athletic Association.

(c) Any policy issued under subsection (b) shall also require that prior to commencing or hosting the first athletic practice session or game, the school, organization, association or group:

(1) Notify the parent or legal guardian of any individual participant of an athletic activity, sport, or physical education program that the individual's participation in an athletic program may subject the individual to a head injury, including, but not limited to, a concussion, and that the school, organization, association, or group maintains an athletic concussion policy and procedures by which to effect that policy;

(2) Promulgate the athletic concussion policy and procedures to the parent or legal guardian of any individual participant of an athletic activity, sport or physical education program; and

(3) Obtain the signature of the parent or legal guardian of any individual participant of an athletic activity, sport, or physical education program verifying that the parent or legal guardian received notice of the athletic concussion policy.

(d) All signatures obtained under subdivision (c)(3) and any return to play forms submitted in compliance with subdivision (b)(2) shall be maintained by an administrator at the school, organization, association, or group's usual place of business.

(e) Nothing in this section shall be construed so as to require the school, organization, association, or group to finance the cost of a medical evaluation for a participant identified as being at risk for a concussion; provided, however, the medical evaluation is a pre-requisite for such a participant's return to the athletic game or practice session.

SECTION 3. This act shall take effect January 1, 2012, the public welfare requiring it, and shall apply to insurance policies issued on or after the effective date of this act.